

REMARKS

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Each of claims 1, 3, 4, 5, 6, 14, and 15 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claim 34 has been added.

Claims 1-34 are now pending in this application. Each of claims 1, 14, 15, and 34 is in independent form.

I. The “Response to Arguments”

The Office Action mailed on 12 May 2009 (the “present Office Action”) includes a section titled “Response to Arguments”. To the extent that the “Response to Arguments” section attempts to characterize or mischaracterize any portion of Applicant’s Reply to the Office Action dated 4 February 2009, such as via attempting to equate the claimed “proposed financial transaction” to a “proposed transaction [for] opening a garage door or vehicle lock”, Applicant respectfully traverses, and instead respectfully requests a response to the specific arguments presented by Applicant.

II. The Obviousness Rejections

Each of claims 1-33 was rejected under 35 U.S.C. 103(a) as being obvious, and thus unpatentable, over various combinations of U.S. Patent 5,898,397 (“Murray”), U.S. Patent 5,748,101 (“Christensen”), U.S. Patent Application Publication 2002/0178063 (“Gravelle”), U.S. Patent 5,805,082 (“Hassett”), U.S. Patent 5,819,234 (“Slavin”), and/or U.S. Patent Application

Publication 2003/0020634 (“Banerjee”).

Each of these rejections is respectfully traversed.

Without acquiescing to the present Office Action’s position, and referencing the herewith filed Declaration of Dr. Stephen G. Wilson, each of these rejections is respectfully traversed as moot in light of the current amendment to the corresponding claim. Consequently, reconsideration and withdrawal of these rejections is respectfully requested.

1. All Claims

a. Characterizations of the Claimed Subject Matter

To the extent that any past Office Action, the present Office Action, or any future Office Action attempts to characterize the subject matter of any claim without quoting the actual language of that claim, Applicant respectfully traverses.

2. Claims 1-34

a. *Prima Facie* Criteria

None of the applied portions of the references relied upon in the Office Action, whether considered alone or in combination, establishes a *prima facie* case of obviousness.

As explained by Dr. Wilson in his herewith filed Declaration, a person having ordinary skill in the art would have no good reason to consider the cited combinations, and even if considered, would find them deficient with respect to the claimed subject matter.

In particular, Dr. Wilson explains why a person having ordinary skill in the art would have considered Murray to be non-analogous art to that of the claimed subject matter, and thus would have found it unreasonable to consider Murray when attempting to solve the problem solved by the claimed subject matter.

Also, Dr. Wilson explains why a person having ordinary skill in the art would have considered Christensen to be non-analogous art to that of the claimed subject matter, and thus would have found it unreasonable to consider Christensen when attempting to solve the problem solved by the claimed subject matter.

Dr. Wilson further explains why Gravelle, Hassett, Slavin, and Banerjee do not cure the combination’s deficiencies.

Yet even assuming for the sake of argument that a person having ordinary skill in the art had a reason to attempt to consider and combine the teachings of one or more of the cited references (which, given the above reasons, they clearly would not), and assuming for the sake of argument that any such combination would work (which, given the above reasons, it clearly would not), a person having ordinary skill in the art nevertheless would have found that each such combination fails to teach “requesting approval of a proposed financial transaction” “transmitted” or “provided from the wireless transmitter” “responsive to a predetermined input from a user” and/or caus[ing] “information associated with the approval of the proposed financial transaction” “to be rendered to the user via a user interface”.

Consequently, regarding the cited combined teachings of the cited references, a person having ordinary skill in the art at the priority date would have found:

- 1) no good reason to attempt to implement any cited combination to solve the problem solved by the subject matter of claims 1-34;
- 2) that any attempt at implementing any cited combination would not result in the subject matter of claims 1-34; and
- 3) that any attempt at implementing any cited combination would have rendered Murray, Christensen, Gravelle, Hassett, Slavin, and/or Banerjee inoperative, unfit for its intended purpose, or changed its principle of operation.

CONCLUSION

It is respectfully submitted that the application is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

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Respectfully submitted,

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